

ENRIQUE MARTINEZ  
AE-6602  
P.O. BOX 1050  
SOLEDAD, CA. 93960-  
(PRO-SE)

FILED

MAR 13 2025

CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

THE UNITED STATES DISTRICT COURT  
THE NORTHERN DISTRICT OF CALIFORNIA

ENRIQUE MARTINEZ,	)	COASE NO.: 22-cv-04707-SK (PR)
PLAINTIFF,	)	
	)	
VS.	)	PLAINTIFF'S NOTICE AND MOTION FOR
	)	VOLUNTARY DISMISSAL, PURSUANT TO
L. ZAVALA,	)	41 OF THE FEDERAL RULES OF CIVIL
DEFENDANT.	)	FEDERAL RULES AND PROCEDURE
_____	)	

TO: THE ABOVE-ENTITLED COURT AND ALL RELEVANT PARTIES:

Relief Sought

Plaintiff, Enrique Martinez, moves this Court for an order dismissing this action with prejudice under the provisions of Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Grounds For Relief

This action should be dismissed because:

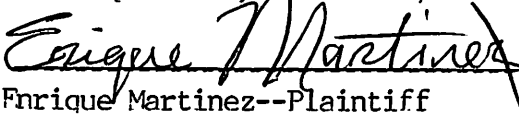
1. A motion for voluntary dismissal that is not opposed by or not met with a relevant objection should generaslly should be dismissed. See., e.g., *Genty v. Township of Gloucester*, 736 F.Supp. 1322, 1326. As the affidavit of Enrique Martinez, shows that defendant does not object, the plaintiff will not gain if dismissed and refiled. The defendant and plaintiff cannot come to terms of agreement on settlement and due to this fact the plaintiff believes he will not prevail at trial and therefore would be

1 futile. Additionally, the Plaintiff has superficial injuries and do not meet  
2 the minnum standards of serious injuries. The Plaintiff is employed by the  
3 CDCR as building porter and uses his damaged hand. This will be exposed at  
4 trial and would persuadé the jury in the favor of the defendant, because the  
5 plaintiff knowingly and intentionally fabricated these injuriessthere is not  
6 any true medical examination to confirm nor deny this. Therefore, this case  
7 should be dismissed with prejudic.

8 2. There is no counterclaim in this actiuon that would prevent the  
9 dismissal under Rule 41(a)(2).

10 DATED: February 27th 2025

11 Respectfully Submitted,

12   
13 Enrique Martinez--Plaintiff

14 ///

15 /////

16 //////////